

City of Selah  
Council Minutes  
February 26, 2008

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

A. Call to Order Mayor Jones called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Summer Derrey, Brian Harris, Keith Larson, Denise Nichols, Paul Overby, Herb Schmidt, John Tierney

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Jerry Davis, Fire Chief; Stacy Dwarshuis, Police Lieutenant; Joe Henne, Public Works Director; Dennis Davison, Community Planner; Jeff Hagler, Parks & Recreation Director

C. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance. Pastor Rex Van Beek led the group in prayer.

D. Agenda Changes

Mayor Jones noted the following items should be added to the agenda:

- |   |    |   |
|---|----|---|
| G | 2c | Letter from Allen Schmid Reporting on Tagging Clean-up February 2008  |
| M | 4. | Resolution Authorizing the Mayor To Sign the State of Washington Intergovernmental Cooperative Purchasing Agreement for Public Agencies |
| M | 5  | Resolution Approving Payment to Mountain States Construction Company for Work Performed through January 31, 2008                        |

City Supervisor Sweet asked that the Executive Session for Real Estate be removed from the Agenda.

E. Public Appearances

F. Getting To Know Our Businesses

G. Communications

1. Oral
2. Written
  - a. Article from *Parks & Rec Business Magazine*

Mayor Jones called on Parks & Rec Director Jeff Hagler. He remarked that we have jewels in our baseball and softball fields.

Jeff Hagler said especially after the Study Session he wanted to draw the Council's attention to similar opportunities for Selah in the area of soccer. He noted they are currently looking at some property.

- b. Two-Year Progress Report from Growth Management Services
- c. Letter from Allen Schmid Reporting on Tagging Clean-up February 2008

Mayor Jones asked Allen Schmid if he'd like to address the tagging report. He praised the work Allen has done in that effort.

Allen Schmid reported that last fall he discontinued doing the clean-up. However this spring it was worsening again. He noted the sooner tagging is painted out, the less likely it is they will go back to the same spot. He noted he already has a list for the next report. He said it particularly bothered him to see brand new poles and signs getting marked up out at Northpark Drive. He said he believes the less tagging we have in this community, the better. He acknowledged Councilman Keith Larson and his daughter Adrienne worked hard cleaning off graffiti. He invited people to call him at home or call the City and leave a message.

Mayor Jones told Mr. Schmid to put five gallons on his account at Helms Hardware.

Councilman John Tierney asked if it is graffiti or gang tagging. Mr. Schmid responded it is gang tagging. He asked Lieutenant Dwarshuis if the police Department is keeping track.

Lieutenant Dwarshuis responded that they are tracking it, and lots of it is coming out of Yakima.

Councilman Tierney asked if the City is getting any help from the Citizens Accountability Board with that.

Allen Schmid noted we're not catching the taggers. He said the key is getting it done quickly. He said school kids have cleaned some up as community service.

Councilman Harris said he knows someone up near Palm Park who would paint the water tower, if he can get some paint.

Mr. Schmid said the Public Works Department could get him some paint.

Keith Larson stated his daughter took the topic of graffiti for a project at school. He said they didn't get around to the work part of her report until it was 14 degrees outside, which made it very difficult work. He thanked Allen Schmid for his work and expressed his hope that Allen will get help from the community.

Frank Sweet noted PD is contacted before anything is painted out.

Joe Henne noted they added a blurb on website.

Mayor Jones moved to the Consent Agenda.

H. Proclamations/Announcements

I. Consent Agenda

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: Council Meeting February 12, 2008
- \* 2. Approval of Claims & Payroll: Payroll 8 Checks Nos. 62821 - 62900 for a total of \$131,709.66 and Claim Checks Nos. 51261 – 51337 for a total of \$102,824.95.
- \* 3. Resolution Approving Payment to Miller Construction Company for Work Performed in Completion of Selah Police Facilities Tenant Improvements at 617 South 1<sup>st</sup> Street and Authorizing Release of Retainage

Mayor Jones read the Consent Agenda.

**Councilman Larson moved and Councilman Harris seconded to adopt the Consent Agenda as read. By voice vote, the Consent Agenda was unanimously adopted.**

J. Public Hearings

K. New Business

L. Old Business

M. Resolutions

- \* 1. Resolution Approving Payment to Miller Construction Company for Work Performed in Completion of Selah Police Facilities Tenant Improvements at 617 South 1<sup>st</sup> Street and Authorizing Release of Retainage
- 2. Resolution Authorizing the Mayor To Sign Ecology Grant Agreement No. G0800479 for Local Government Stormwater Grants Program

City Supervisor Frank Sweet said he hopes there is support from Council to receive a \$50,000 grant.

Councilman Overby said he thought the amount was \$75,000.

Mr. Sweet responded that the first grant was for \$75,000, but this one is \$50,000.

Ted Pooler explained that the Department of Ecology made additional \$50,000 grants available to cities that are making progress in their stormwater plans. The grants are on a cost-incurred basis. He noted the illicit discharge study is going to require more effort.

Councilman Paul Overby asked if City workers are finding and correcting illicit stormwater connections.

Public Works Director Joe Henne said they have found some by accident and corrected them.

Ted Pooler said the City's stormwater system was initially installed as a groundwater overflow system, so as they are attempting to isolate illicit connections, they are finding that the entire system is contaminated. The initial study did not narrow the scope of work. He said it will require further study to see if there are actually cross-connections with the sanitary sewer system or if the sources of contamination are just normal animal feces.

Joe Henne said much of our system drains from irrigation systems where there are muskrats and other animals.

**Councilwoman Nichols moved approval of the Resolution Authorizing the Mayor To Sign Ecology Grant Agreement No. G0800479 for Local Government Stormwater Grants Program Councilman Overby seconded. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – yes; Council Member Derrey – yes; Council Member Tierney – yes. Motion carried unanimously.**

### 3. Resolution Adopting the City Facility Use Policy

City Supervisor Frank Sweet said staff was directed to bring back a policy on facility use for the Council's consideration. He stated the proposed policy reflects what the City's intention has been in deciding which groups can use City facilities. He explained that basically governmental agencies may use City facilities, but non-government or non-profit groups should use the Civic Center.

Councilman Brian Harris asked if the Civic Center checks out keys.

Parks & Recreation Director Jeff Hagler indicated that they do.

Councilwoman Denise Nichols said someone mentioned Community Days. She asked if they meet in the Civic Center.

Mr. Sweet stated they do not; they meet at the Credit Union. He noted Community Days uses a building at WWTP for building and storing the float. He said he believes that is different in that the City participates in the funding of Community Days. He cited the Fire Department was used primarily by governmental agencies. He noted when we found out a group requesting use was a 501c3, we wouldn't approve their use.

Councilman Schmidt said a policy has to be straight across the board. He cited security concerns at the Police facility, but noted the Fire Department doors can be locked, and people can't get into parts of the building. He stated there is no law that precludes use of City buildings by 501c3 groups. He stated the Council has to make a decision that is equitable, and staff will administer it.

Councilman John Tierney noted each of these facilities has a meeting room. He asked how those were "sold" to the community.

Mayor Jones responded that is a training facility.

Councilman Tierney said he remembers stories about the Police Station also described a meeting place.

Mayor Jones stated the Police station is built to be secure. He stated he has been working the last 3 days to keep the Civic Center a great place for meetings. He said if the problem is not having time to pick up chairs and tables, he'd volunteer to do it.

Frank Sweet noted sometimes what is reported isn't accurate. The meeting room at the Police facility is for Police meetings.

Councilman Larson asked if any Council Members are members of the Kiwanis.

Council Members John Tierney, Summer Derrey and Herb Schmidt identified themselves as members.

Fire Chief Jerry Davis stated he has received other requests and has turned people down.

Councilman Paul Overby stated last year a group wanted to use the Civic Center that was of questionable reputation, and at that time we decided use of the Civic Center was appropriate. If we let outside groups use City facilities, sooner or later we will have a questionable group that wants to meet in our facilities.

Councilman John Tierney asked what would happen in case of an emergency.

City Supervisor Sweet noted that "temporary use" is what got the City into this problem.

Mayor Jones said he doesn't believe it needs to be etched in stone and hopes the Council would have enough flexibility to bend the rules in case of an emergency.

Councilman Schmidt said there should be some exception to the rule. He said he called Municipal Research who asked him if the City has a policy. He said having a policy is important.

Councilwoman Denise Nichols expressed her hope we will not write an exception into a policy. She cautioned the Council that a day could come when the Civic Center is overpacked. She said she hoped City Buildings could be used for training sessions.

The City Supervisor assured her that training sessions by governmental agencies is permissible.

Councilman Herb Schmidt asked if Kiwanis and clubs like it are ambassadors to the City. He said these clubs display affection for our City, suggesting the City should do whatever can be done that allows the group to meet in a pleasant surrounding.

Councilwoman Nichols asked what the objection to the Civic Center would be.

Councilman Schmidt said they have morning meetings where people go and are out the door and off to work. They don't want to be stuck setting tables up all over the place and chairs up all over the place - that becomes a constant assignment.

Councilwoman Nichols said they could hire someone to cater and set up.

Mayor Jones said Little League met for years at his house.

Councilman Keith Larson said he agreed with Paul Overby that it is a slippery slope to allow some, but not all to use City facilities. He said it's good to have a policy. He stated he is concerned with the

appearance of fairness for three Council Members who are also Kiwanis members. He noted the Parks & Rec Service Area Board has never met in a City Facility.

Councilman Schmidt asked where the tables are stored.

Councilman Larson stated they are stacked against the wall.

Councilman Schmidt asked if they remain in the room.

Councilman Larson responded affirmatively.

Councilwoman Derrey asked if Pastor Van Beek (who is also Kiwanis President) had any comments.

Rex Van Beek said he could acknowledge both sides of the argument. He noted he's met at the Fire Station his entire time in Kiwanis. He expressed his belief that a policy is appropriate, while he doesn't like not being able to meet at Fire Station 1. He stated he believes Kiwanis offers a lot to the community, but since several Council Members are Kiwanis, it might look funny to continue to allow the group to meet in a City facility. He stated it is not the intent of Kiwanis to create a conflict; the club's goal and desire is to benefit the community. He stated he is disappointed, but will work with whatever the Council decides.

Councilman Schmidt said he wanted an airing on this issue and believes we have had that. He noted many people may not know what Kiwanis does to benefit the community. He gave examples of the pancake feed to benefit scholarships for local kids, presenting bikes to the Salvation Army. He said it's not a matter of whether Kiwanis is receiving City support, noting the Mayor's Prayer breakfast as an example. He said it is a matter of making sure things are handled equally. Mayor Jones reminded Council Members that he expects to see them at the Prayer breakfast Saturday.

Councilman Brian Harris said he doesn't think anyone on the Council has anything against Kiwanis. He said it's just that the Civic Center is designed to host meeting such as theirs.

Councilman John Tierney asked City Attorney Bob Noe if he wanted to change anything in the proposed policy.

Mr. Noe responded not unless there is direction from the Council to make changes.

Mayor Jones said the discussion has been very healthy for the Council, and he's sure that Council Members better understand the issue now than before.

Fire Chief Jerry Davis said meetings do impact the Fire Department because they have to keep it clean; they have no janitorial service.

Councilman Paul Overby said this decision is not for or against any particular group, rather the need to be consistent.

There was a request to call the roll in reverse order.

**Councilman Overby moved approval of the Resolution Adopting the City Facility Use Policy Councilman Larson seconded. Roll was called: Council Member Tierney – no; Council Member Derrey – no; Council Member Harris – yes; Council Member Nichols – yes; Council Member**

**Overby – yes; Council Member Larson – yes; Council Member Schmidt – yes. Motion carried 5 - 2 with Council Members Tierney and Derrey voting no.**

4. Resolution Authorizing the Mayor To Sign the State of Washington Intergovernmental Cooperative Purchasing Agreement for Public Agencies

Frank Sweet asked Fire Chief Jerry Davis to address Resolution M-4.

Chief Davis explained that we need to approve this contract so that we can purchase vehicles through state bid. He said he has a command car that is in the last throes of life.

**Councilwoman Nichols moved approval of the Resolution Authorizing the Mayor To Sign the State of Washington Intergovernmental Cooperative Purchasing Agreement for Public Agencies. Councilman Larson seconded. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – yes; Council Member Derrey – yes; Council Member Tierney – yes. Motion carried unanimously.**

5. Resolution Approving Payment to Mountain States Construction Company for Work Performed through January 31, 2008

Ted Pooler said Resolution M-5 authorizes payment to Mountain States Construction for work done prior to January 31, 2008. Todd and his crew have been running the new centrifuge, and most of the bugs are worked out of the system. He said he could have brought a pickup load of dried sludge. He reported all of the electrical has been switched over. He noted the specifications require that all of the main breakers will be checked and that work will be done in the next week or so. He said you want to do that because those breakers provide your main protection, and you don't want to accept that project as complete until that inspection has been accomplished. He said Todd LaRoche is excited because he's seeing thousands of gallons of sludge dried into a pickup load of dried material. He recommended support of the resolution. Frank Sweet pointed out that overages of dried sludge are negligible.

**Councilman Schmidt moved approval of the Resolution Approving Payment to Mountain States Construction Company for Work Performed through January 31, 2008. Councilman Tierney seconded. Roll was called: Council Member Schmidt – yes; Council Member Larson – yes; Council Member Overby – yes; Council Member Nichols – yes; Council Member Harris – yes; Council Member Derrey – yes; Council Member Tierney – yes. Motion carried unanimously.**

N. Ordinances

O. Communications

1. Oral

Aaron Wasilewski addressed the Council, speaking on behalf of the Soccer League of Selah. He noted we are on the cusp of potential greatness in soccer and that numbers for the spring will exceed 700. He noted Marty Lackey joined the team this fall and will assist with the summer program. He asked for continued support for soccer, saying there is no reason we can't achieve what other cities have.

Mayor Jones noted the soccer program at the high school level has blossomed because of the hard work Mr. Wasilewski and other coaches have done.

Mayor Jones invited students to come forward for Council Member signatures.

Public Works Director Joe Henne reported he met with consultants yesterday to review paving at Carlon Park.

Councilman Harris asked if that would be paved before college tournament (April).

Jeff Hagler responded it will be finished before state tournament (May).

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental

a. Police Department Monthly Report – December 2007

Councilman Schmidt said he appreciates the healthy discussion today.

Frank Sweet said he will be bringing the Carlon Park paving funding proposal to use money from North Park sales before the council prior to paving.

Councilwoman Nichols asked if the School District will participate in that funding.

The City Supervisor responded that the District has no money.

Councilman Larson reported he and Bob attended Valley Mayors. The first one I attended I was in charge, and it worked much better with Bob in charge. He noted it's a good group where Mayors and Mayors Pro Tem meet to discuss issues of common interest. He commented on the retreat, saying he enjoyed it and felt that as a group we gained understanding of each other which should enable us to function as a more cohesive group. He reported that the remodeling work on the rest rooms began last Saturday. It has been gutted and new tile put down. He said the new toilets will look nice.

Councilwoman Denise Nichols asked Frank to keep the Council posted on the progress of legislation and. She asked about the status of a community open house for the new police station.

Frank Sweet responded that at this point in time, the Chief doesn't wish to have an open house. Councilwoman Nichols said she'd like to see an open house. Other Council Members agreed.

Mayor Jones said we will get the Safety Committee together with Chief and Lt. Dwarshuis and make it happen.

Councilwoman Nichols said the retreat was excellent, and Randy Beehler did a great job. She said she wants to have another one for strategic planning and visioning.

Mayor Jones praised Randy, Mike and Bonnie from YPAC.

Councilman Harris suggested inspecting the bathroom at Civic Center and going from there to the Wastewater Treatment Plant. He praised the retreat, assuring people watching on YPAC who might think Council Members always agree, that they don't. He said the Council often acknowledges young



people who have done well. He suggested a Community Pride award for wrestlers who recently placed first in state. He praised the Kiwanis group.

Councilman Paul Overby announced the next Council Forum will be held the 12<sup>th</sup> of March with the topic of the planning and permitting process. He commented on the retreat, saying it is good to go back to the well. He said he is eager to start working on strategic plans.

Councilwoman Summer Derrey pointed out March 12 is the Community Town Hall meeting at the new youth center.

Councilman Paul Overby said we were going to hold the forum the first week of each quarter.

Councilwoman Summer Derrey said she enjoyed the retreat.

Councilman Paul Overby said the Forum will be held March 19<sup>th</sup> at 7:00pm.

Councilman John Tierney said he also enjoyed the retreat and is looking forward to the next one.

Mayor Jones reminded the group of the Mayor's Prayer Breakfast, saying he expects to see everybody there. He stated Councilman Brian Harris is the keynote speaker. He reported he attended the Emergency Management meeting yesterday, which did not have a quorum. He further reported they are still battling with the military over a facility. He reported the Valley Mayors intend to pursue the issue of crime and try to get it under control in our communities. He said his wish is to have Police out in community; they need to reinvent themselves to take creative steps to try to curb crime. He expressed his appreciation to Mayor Pro Tem Keith Larson for running the Mayors' meeting in January. He said there is a whole new slate of mayors up and down the Valley.

Q. Executive Session

~~Executive Session Real Estate~~ - withdrawn

R. Adjournment

**Council Member Nichols moved, and Councilman Larson seconded that the meeting be adjourned. By voice vote, the motion passed unanimously.**

The meeting adjourned at 5:24pm.

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Robert L. Jones, Mayor

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Paul Overby, Council Member

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Summer Derrey, Council Member

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Denise Nichols, Council Member

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Brian Harris, Council Member

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Herb Schmidt, Council Member

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Keith Larson, Council Member

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John Tierney, Council Member

ATTEST:

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Dale E. Novobielski, Clerk/Treasurer